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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,073	09/11/2003	Anthony Edward Martinez	AUS920030565US1	6179
35525	7590	01/31/2007	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			LONG, ANDREA NATAE	
			ART UNIT	PAPER NUMBER
			2176	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/31/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,073	MARTINEZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea N. Long	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 November 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6, 9, 12, 14-19, 22 and 25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 7, 8, 20 and 21 is/are allowed.  
 6) Claim(s) 1-6, 9, 12, 14-19, 22 and 25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 September 2003 and 13 November 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: amendment filed 11/13/2006, to the original application filed 09/11/2003.
2. The objection to the drawings has been withdrawn as necessitated by the replacement sheets.
3. The rejection of claim 25 and 26 under 35 U.S.C. 101 has been withdrawn as necessitated by the amendment.
4. Claims 1-9, 12, 14-22, and 25 are pending. Claims 10, 11, 13, 23, 24, and 26 have been cancelled. Claims 1, 5, 7, 8, 14, 20, 21, and 25 have been amended. Claims 1, 7, 8, 12, 14, 20, 21, 25 are independent.

***Allowable Subject Matter***

6. Claims 7, 8, 20, and 21 are allowed. The claims have been written in independent form to overcome the prior objection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-6, 14-19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al. (U.S. PG Pub US 2002/0126135 A1), hereinafter “Ball” in view of Rubin et al. (US Patent 6922693 B1), hereinafter “Rubin”, in further view of Land et al. (US Patent 7155676 B2, for motivational purposes only), hereinafter “Land”.**

**As to independent claim 1,** Ball discloses a method in a data processing system for managing messages (paragraph [0002], Fig. 28), the method comprising the computer-implemented steps of:

placing a marker (thumbnail) in a text message in a chat window, wherein the marker is associated with the selected image (paragraphs [256] [259], Fig 28). However Ball does not teach a viewport for capturing an image. Rubin teaches a well know method of:

displaying a viewport (“transparent window”) on a display (column 3 lines 12-14), wherein a region visible through the viewport defines an area on the display to be captured (column 3 lines 8-28);

responsive to a user input to select an image, defining the image (column 3 lines 22-28). Rubin further teaches the viewport being able to move to different locations on the screen (column 3 lines 18-19), which would allow for the viewport to be adjacent to other applications on the screen.

It would have been obvious to one skilled in the art at the time the invention was made to have combined the chat window of Ball with the viewport of Rubin. The

motivation is expressed by Land stating such a combination would allow users to easily add high quality multimedia content to online communications such as instant messages and to make e-communication more interactive and visually rich (column 7 lines 10-20).

**As to dependent claim 2,** Ball teaches responsive to a user input to send the text message, sending the text message and the image to a target, wherein the text message and the image are displayed at the target (paragraph [259], Fig 28).

**As to dependent claim 3,** Ball teaches responsive to a pointer being moved over the marker (paragraph [261] Fig 28 reference character 750), displaying the image associated with the marker (paragraph [261], Fig 28 reference character 752).

**As to dependent claim 4,** Ball teaches wherein the marker is an icon or thumbnail representation of the image (paragraph [257]).

**As to dependent claim 5,** Rubin teaches wherein in response to the user input the viewport is resized (column 3 lines 22-28).

**As to dependent claim 6,** note the discussion above, Ball teaches a chat window. Ball does not teach a viewport. Rubin teaches a viewport which can be located at any position on the screen.

It would have been obvious to one skilled in the art at the time the invention was made to have attached the chat window of Ball with the viewport of Rubin to eliminate the process of opening application/windows, which would save time.

**As to independent claim 14,** is rejected under the same rationale as claim 1.

**As to dependent claim 15,** is rejected under the same rationale as claim 2.

**As to dependent claim 16,** is rejected under the same rationale as claim 3.

**As to dependent claim 17,** is rejected under the same rational as claim 4.

**As to dependent claim 18,** is rejected under the same rationale as claim 5.

**As to dependent claim 19,** is rejected under the same rationale as claim 6.

**As to independent claim 25,** is rejected under the same rationale as claim 1.

9. **Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al. (U.S. PG Pub US 2002/0126135 A1) in view of Rubin et al. (US Patent 6922693 B1) in further view of Land et al. (US Patent 7155676 B2, for**

**motivational purposes only)** in further view of Microsoft Outlook (2000), hereinafter “Outlook”.

**As to dependent claim 9,** note the discussion above, Ball teaches messages and markers in the messages. However, Ball does not teach wherein messages, markers in the messages, and images are stored in a log allowing for later review of the log with the images being displayed in proper context with the text. Outlook teaches storing all messages (“Inbox”, Figure 1 and Figure 2) in a log for later review of the log with the image being displayed in proper context with the text (Figure 3 and Figure 4).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the chat window of Ball with the logging of Outlook to keep a record of the messages for future use and to refer back to when needed without materials needing to be re-sent.

**As to dependent claim 22,** is rejected under the same rationale as claim 9.

**10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al. (U.S. PG Pub US 2002/0126135 A1) in view of Rubin et al. (US Patent 6922693 B1) in further view of Land et al. (US Patent 7155676 B2, for motivational purposes only) in further view of McKelvie et al. (U.S. PG Pub US 2003/0217096 A1), hereinafter “McKelvie”.**

**As to independent claim 12,** note the discussion above, Ball in view of Rubin teaches a data processing system for managing messages, the data processing system comprising:

wherein the processing unit executes the set of instructions to display a viewport on a display, the viewport being adjacent to and in association with a chat window in which a region visible through the viewport defines an area on the display to be captured; define the image of the region encompassed by the viewport as a selected image in response to a user input to select an image; and place a marker in a text message in the chat window in which the marker is associated with the selected image. Ball in view of Rubin does not teach a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory includes a set of instructions, and a processing unit connected to the bus system. McKelvie teaches a bus system (Fig 14 reference character 147, paragraph 368), a communications unit connected to the bus system (Fig 14 reference character 146, paragraph 369), a memory connected to the bus system, wherein the memory includes a set of instructions (Fig 14 reference characters 142 and 143, paragraph 368), and a processing unit connected to the bus system, wherein the processing unit executes a set of instructions (Fig 14 reference character 141, paragraph 368).

It would have been obvious to one skilled in the art at the time the invention was made to combine a bus system, a communications unit connected to the bus system, wherein the memory includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions of McKelvie

with the data processing system of Ball as modified by Rubin. The motivation to combine is well known in the art and is a general representation of any processing unit that would require implementation of software. In particular the system taught by McKelvie embodied around the same art of communications (i.e. chat windows and instant messages) as the application.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-6, 9, 12, 14-19, 22, and 25 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment "the viewport being adjacent to and", "a region visible through", "of the region encompassed", and "the viewport resized".

***Conclusion***

12. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
01/16/2006

*William S. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**